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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,708	06/27/2003	Carol Fields	CFLD-001	9430
35530	7590	04/12/2005	EXAMINER	
EARLE JENNINGS 8 KENYON AVE KENSINGTON, CA 94708			TREMBLAY, MARK STEPHEN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/607,708

Applicant(s)

FIELDS, CAROL

Examiner

Mark Tremblay

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication #2003/0009461 ("Notargiacomo" hereinafter). Notargiacomo teaches a mechanism for a terminal service organization enlisting a customer for a web-service, comprising: means for providing an avenue 18 by which said terminal service organization can refer said customer 42 to said web-service; wherein said avenue identifies said terminal service organization to said web-service; means for said customer using said avenue to engage said web-service to provide at least one web-service product customized by at least one instruction 84 from said customer, to create a web-site revenue for said web-service (see also paragraphs 44, 50, 52, 57 and 58); and means for said terminal service organization receiving an organization revenue based upon said customer using said avenue to create said web-site revenue (see especially last portion of paragraph 57); wherein said terminal service organization includes at least one member of the collection comprising: a funeral home, a retirement community, a hospice, a hospital, a sanitarium, a temple, a synagogue, a mosque, a church, a shrine, a nursing home, a mausoleum, a cemetery, and an assisted living facility; wherein said web-service product includes at least one web-site component, which is an instance of a member of the web-site component collection; wherein said web site component collection comprises an audio stream, a video stream (see e.g. paragraph 45), an interactive model, a text, a still frame, a web page layout, a security control (e.g. paragraph 55), a hosting means for at least a second of said web-site components, a transferring means for at least one of said second web-site components, and an interactive means for generating at least one of said second web-site components.

***Response to Arguments***

Applicant argues that in Notargiacomo "the terminal service organization does not refer the customer to a web service." The examiner respectfully disagrees. It should be plain from figure 2b, on it's face, that a referral takes place. XYZ funeral home is clearly directing customers to a web service at xyz.vlo.com. Of course, this is supported by the disclosure at paragraphs 44, 45, 52, 57 and 58. In paragraph 57, Notargiacomo states that "A referral fee may be collected by the web page/site 25 for any business forwarded to the provider 50 from the web page/site 25." Taken in context, 50 may also be an internet service, as described earlier in paragraph 57. The web site 25 may be hosted by a funeral home, or by a web hosting company. Thus, Applicant's further statements, that "Without that referral, the Applicant does not find an avenue for such a referral taking place. Further, the non-existent avenue cannot identify the terminal service organization to the web service," are clearly contradicted by the reference. The Applicant later states that "The Applicant does not find any discussion of web-site revenue for the web service. Consequently, the Applicant cannot find any discussion of the terminal service organization receiving an organization revenue based upon the customer using the non-existent avenue to create an unmentioned web-site revenue." The examiner finds all of these discussions in the disclosure at paragraphs 44, 45, 52, 57 and 58.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Voice***

Inquiries for the Examiner should be directed to Mark Tremblay at (571) 272-2408. The Examiner's regular office hours are 10:30 am to 7:00 pm EST Monday to Friday. Voice mail is available. If Applicant has trouble contacting the Examiner, the Supervisory Patent Examiner, Michael Lee, can be reached on (571) 272-2398. Technical questions and comments concerning PTO procedures may be directed to the Patent Assistance Center hotline at 1-800-786-9199 or (703) 308-4357.

  
MARK TREMBLAY  
PRIMARY EXAMINER

April 3, 2005